

September 26, 1951

The Atomic Energy Commission, as requested by the Joint Committee, has prepared the following proposed language as an amendment:

After Section 10(a)(2) a new subsection, namely, Section 10(a)(3), would be inserted and would read as follows:

"Nothing contained in this Section shall prohibit the Commission, when in its judgment the common defense and security would be promoted and would not be endangered, subject to the limitations hereinafter set out, from entering into specific arrangements involving the communication to another nation of restricted data on refining, purification and subsequent treatment of source materials; reactor development; production of fissionable materials; and research and development relating to the foregoing: Provided

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- (1) That no such arrangement shall involve the communication of restricted data on design and fabrication of atomic weapons;
- (2) That no such arrangement shall be entered into with any nation threatening the security of the United States;
- (3) That the restricted data involved shall be limited and circumscribed to the maximum degree consistent with the common defense and security objective in view;
- (4) That the President, after consultation with the National Security Council, has determined in writing that the arrangement would promote and would not endanger the common defense and security of the United States, giving specific consideration to the security sensitivity of the restricted data involved and the adequacy and sufficiency of the security safeguards undertaken to be maintained by the recipient nation; and
- (5) That before the arrangement is put into effect by the Commission the Joint Committee on Atomic Energy has been fully informed for a period of thirty days in which the Congress was in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days)."

The Commission, as it explained to the Joint Committee earlier this week, would like to amend Section 5(a)(3) to read as follows:

"Prohibition.— It shall be unlawful for any person, after sixty days from the effective date of this Act to (A) possess or transfer any fissionable material, except as authorized by the Commission, or (B) export from or import into the United States any fissionable material, or (C) directly or indirectly engage in the production of any fissionable material outside of the United States, except as authorized by the Commission upon a determination by the President that the common defense and security will not be adversely affected thereby."

After Section 10(a)(2) a new subsection, namely, Section 10(a)(3), would be inserted and would read as follows:

"Nothing contained in this Section shall prohibit the Commission, when in its unanimous judgment the common defense and security would be substantially promoted and would not be endangered, subject to the limitations hereinafter set out, from entering into specific arrangements involving the communication to another nation of restricted data on refining, purification and subsequent treatment of source materials; reactor development; production of fissionable materials; and research and development relating to the foregoing:
Provided

- (1) That no such arrangement shall involve the communication of restricted data on design and fabrication of atomic weapons;
- (2) That no such arrangement shall be entered into with any nation threatening the security of the United States;
- (3) That the restricted data involved shall be limited and circumscribed to the maximum degree consistent with the common defense and security objective in view, and that in the judgment of the Commission the recipient nation's security standards applicable to such data are adequate;
- (4) That the President, after securing the written recommendation of the National Security Council, has determined in writing (incorporating the National Security Council recommendation) that the arrangement would substantially promote and would not endanger the common defense and security of the United States, giving specific consideration to the security sensitivity of the restricted data involved and the adequacy and sufficiency of the security safeguards undertaken to be maintained by the recipient nation; and
- (5) That before the arrangement is consummated by the Commission the Joint Committee on Atomic Energy has been fully informed for a period of thirty days in which the Congress was in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days)."

The Commission, as it explained to the Joint Committee earlier this week, would like to amend Section 5(a)(3) to read as follows:

"Prohibition.- It shall be unlawful for any person to (A) possess or transfer any fissionable material, except as authorized by the Commission; or (B) export from or import into the United States any fissionable material; or (C) directly or indirectly engage in the production of any fissionable material outside of the United States, except, subject to the limitations and conditions contained in Section 10(a)(3), as authorized by the Commission upon a determination by the President that the common defense and security will not be adversely affected thereby."